



CITY OF MEMPHIS

COUNCIL AGENDA

February 1, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (January 18, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING (none)

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING

1. RESOLUTION approving final plat of THE OAKS AT APPLING P.D., PHASE 2.
Case No. PD 04-334cc
Resolution approves the final plat located on the northwest corner of Oak Chase Drive and Appling Road. Cost of the required improvements to be borne by the Developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

2. NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:
 - A. Case No. PD 04-374 – FLEMING’S STEAKHOUSE PLANNED DEVELOPMENT

Located on the south side of Poplar Avenue; @ the southern terminus of Briarcrest Avenue, containing 3.7 acres in the General Office (O-G) District

Applicant: Outback Steakhouse, Inc.
Fisher & Arnold (Jud Te Paske) – Representative

Request: Add a free standing restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 15, 2005



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MLGW FISCAL CONSENT

3. RESOLUTION awarding Contract No. 11028, Security Services, to CDA, Inc. in the amount of \$2,050,492.12.
4. RESOLUTION requesting ratification of Change Order No. 14 to Contract No. 9779, Management Support Central Processing Unit, with Fujitsu Computer Systems Corporation in the amount of \$183,731.40, approved by the Board 1/6/05.
5. RESOLUTION approving Renewal No. 2 to Contract No. 10882, Information Services Support, with Quilogy, LLC in an estimated/funded amount of \$1,209,520.00.
6. RESOLUTION approving Renewal No. 1 to Contract No. 10907, Data Feed Analysis Services, with CQG, Inc. in an estimated/funded amount of \$60,000.00.
7. RESOLUTION awarding contract for water well video system to Aries, Industries, Inc. in the amount of \$53,445.00.
8. RESOLUTION awarding contract for rental of scanners as follows:

CAD/CAM Services.....	\$17,500.00
Crowley Micrographics.....	<u>27,500.00</u>
Total:	\$45,000.00
9. RESOLUTION awarding 36-month contract for lease of color copiers as follows:

Xerox Corporation.....	\$380,118.60
Danka Office Imaging.....	<u>73,703.52</u>
Total:	\$453,822.12
10. RESOLUTION requesting ratification of contracts issued on an emergency basis for costs associated with work performed at the Netters Business Operations Center as follows:

Moring Environmental Services.....	\$105,885.00
Cornerstone Laboratories, LLC.....	<u>85,922.50</u>
Total:	\$191,807.50
11. RESOLUTION requesting ratification of contract issued on an emergency basis to G & W Diesel Services, Inc. in the amount of \$55,353.35, to repair G & W Model 16V149 diesel generator which services Mallory Pumping Station.
12. RESOLUTION requesting ratification of Inter-Divisional Cooperative Agreement for Fuel Purchasing under the City of Memphis' contract with Truman Arnold Companies which authorizes payment in an estimated amount of \$1,139,750.00 for a five-month period.
13. RESOLUTION awarding Contract No. 11033, Satisfaction Survey, to Leaderpoint in an estimated/funded amount of \$28,500.00, with \$22,280.00 already paid under Agreement No. C-1268 which will exceed the agreement value of \$24,999.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

14. RESOLUTION declaring Tuesday, February 1, 2005, as "Roshun A. Austin Appreciation Day".

Hooks

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION thanking and commending David Gest on the success of his Holiday Extravaganza and for feeding the poor on Christmas Day.

Lowery

ACTION REQUESTED: Adopt the resolution

16. RECOGNITION of Airways Middle School students.

Hooks

17. **APPOINTMENTS**

Marshall

Health Education & Housing Facility Board

Appointment

Lee Patton

Reappointments

Debra H. Cotney

Florine Hinds

GENERAL ORDINANCE - THIRD AND FINAL READING

18. **ORDINANCE** to amend Chapter 15, Section 1-5, Code of Ordinances, City of Memphis to provide for the disposal of personal property discarded onto City right-of-ways, easements or property owned or maintained by the City after an eviction or setout and the disposal of personal property abandoned or left on premises, up for T H I R D and F I N A L reading.

Holt

Ordinance No. 5091

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

19. RESOLUTION amending the FY05 CIP budget by establishing an allocation and appropriating funds, in the amount of \$2,774,500.00, to complete the implementations of the Financial/HR System.

Jones

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION to transfer the allocation from G.O. Bonds General from CIP Project IS01013 Treasury Systems Replacement to CIP Project IS01023 Implementation of the Citizen Relationship Management (CRM) Solution. Resolution also appropriates \$1,000,000.00 from G.O. Bonds General for the purpose of replacing the City's obsolete FoxPro application used by the Mayor's Citizen Service Center to answer calls from concerned citizens.

Jones

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

21. RESOLUTION appropriating \$50,000.00 in General Obligation Bonds for The National Ornamental Museum Foundation, Inc. a 501(c) (3) nonprofit corporation of Memphis Project (PS02010) in fiscal year 2005, in order to preserve and advance the art and craft of fine metalwork.

Mitchell

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION appropriating \$66,034.00 funded by GO bonds General, to purchase four Service Vehicles form General Truck Sales & Service, CIP Project LI01011, Service Vehicle Replacement for the Memphis/Shelby Co. Public Library Information Center.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)**DIVISION OF GENERAL SERVICES**

23. RESOLUTION approving Major Modifications/Improvements to Property, CIP Number GS01007 as part of the Fiscal Year 2005 Capital Improvement Program. Resolution seeks to appropriate \$2,265,863.00 in construction funds, funded by G.O. Bonds General.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

24. RESOLUTION designating the Riverview-Kansas, Fowler/South Memphis, Klondyke/Smokey City, Poplar Expansion Area (LeBonheur/Dixie Homes) areas as slum/blighted areas. Designation will enable demolition of structures with CDBG funds.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)**LAW DIVISION** (none)**DIVISION OF PARK SERVICES****DIVISION OF POLICE SERVICES**

25. RESOLUTION transferring an allocation of \$73,000.00 funded by G. O. Bonds General from Construction in PD02004, Precinct Renovations to Capital Acquisition, Project Number PD03002 and appropriate said funds.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

26. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$468,310.00 in G.O. Bonds from Drainage project number PW03006 to James Park Drainage District, project number PW03064 for a construction contract with Pressure Concrete, Inc.

Holt

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating \$80,870.00 in G.O. Bonds for Winchester Road Tunnel project number PW04008 for a construction with Pressure Concrete.

Holt

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$2,107,949.00 in G. O. Bonds from Bridge Repair project number PW02001 to Bridge Repair Various Locations, project number PW02017 for a construction contract with Chris-Hill Construction Co.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING (none)

DIVISION OF PLANNING & DEVELOPMENT

29. RESOLUTION approving a special use permit located on the northeast corner of Lauderdale Street and Poplar Avenue, containing 0.93 acre in the Uptown Mixed-Use District.

Peete

Case No. SUP 04-223

Applicant: K & A Investments
Guy Payne – Representative

Request: Gasoline Sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

30. RESOLUTION approving a use variance located on the south side of Bickford Avenue; +112 feet west of Seventh Street, containing 0.89 acre in the Moderate Density Residential (MDR) District.

Peete

Case No. UV 04-14

Applicant: Bluff City CDC (Carl Mabry)
Vaneica Kimbrough – Representative

Request: A use variance to permit the construction of 4-story apartment building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

31. RESOLUTION approving an appeal located on the west side of Lamar Avenue (U.S. Highway 78); \pm 1,100 feet north of Holmes Road, containing 5.253 acres in the Vacant, Light Industrial (I-L) District.(Held from 1/18)

Peete

Case No. S 04-054

Appellant: Summit Distribution Center, LLC
Reaves Firm, Inc. – Harvey Marcom – Representative

Request: Appeal to overturn action of the Land Use Control Board, which requires the dedication and improvement of necessary right-of-way to accomplish the proposed improvements to U.S. Highway 78 (Lamar Avenue) in accordance with Subdivision Regulations as illustrated on the attached “Property Map” from the State of Tennessee Department of Transportation (TDOT) dated 6/27/03

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

4 NOTICES MAILED ON JANUARY 7, 2005

32. RESOLUTION approving a special use permit located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District. (Held from 9/21;11/23;12/21;1/18)

Peete

Case No. SUP 04-208

Applicant: Margolin Hebrew Academy
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON SEPTEMBER 10, 2004

33. RESOLUTION approving a planned development located on the east side of Berryhill Road; +200 feet south of Huntington Oak Drive, containing 105.86 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-370cc

Applicant: Rusco Partnership
E.D.S. Inc. (Danny Tabrizi) – Representative

Request: A maximum of 335 single family lots (lots range from 5,500 square feet to 15,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

191 NOTICES MAILED ON JANUARY 21, 2005

34. RESOLUTION approving a street/alley closure located between Jefferson Avenue and Court Street, containing 3,751.25 square feet in the Central Business (CBD) District.

Peete

Case No. SAC 04-614

Applicant: Memphis Center City Commission (Memphis Center City Revenue Finance Corp.)
Nathan A. Bicks – Representative

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON JANUARY 21, 2005

35. RESOLUTION approving a subdivision appeal located on the east side of S. Mendenhall Road; +/-210.93 feet south of Shady Grove Road, containing 0.716 acre in the Single Family Dwelling, Single Family Residential (R-S10) District.

Peete

Case No. S 04-055

Request: Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision located at 250 Mendenhall Road (S04-055 Shady Hall Subdivision)

LUCB recommendation: APPROVAL, with five (5) conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

9 NOTICES MAILED ON JANUARY 21, 2005

GENERAL ITEM

ADJOURNMENT